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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

ILA LaFRENTZ, JIM LaFRENTZ,)
KATHERINE PORTERFIELD; AND)
WILLIAM LaFRENTZ, Individually)
And as Representatives of the)
Estate of JAMES B. LaFRENTZ,)
)
 Plaintiffs,)
)
VS.) Civil Action No:
) 4:18-cv-04229
3M COMPANY, et al,)
)
 Defendants.)

ORAL DEPOSITION VIA ZOOM OF KENNETH S. GARZA
November 19, 2020

ORAL DEPOSITION VIA ZOOM OF KENNETH S. GARZA,
produced as a witness at the instance of the Defendant
General Dynamics Corporation, and duly sworn, was taken
in the above-styled and numbered cause on the 19th day
of November, 2020 from 8:44 a.m. to 11:42 a.m., witness
appearing at Fair Oaks Ranch, Texas, before JAMIE
JACKSON, CSR in and for the State of Texas, reported by
machine shorthand via Zoom under the Texas Current
Emergency Order State of Disaster, pursuant to the
Federal Rules of Civil Procedure and the provisions
stated on the record or attached hereto.

1 sampling time for this work activity is one minute,
2 right?

3 A. Correct.

4 Q. Now, the concentration that is measured for that
5 one minute is 28.8 fibers per cc. Am I reading that
6 correctly?

7 A. You are.

8 Q. All right. And this is a result of phase
9 contrast microscopy?

10 A. Yes, sir.

11 Q. All right. So you would agree when that protocol
12 is used what you're actually counting was just fibers,
13 right?

14 A. You're actually counting fibers within a certain
15 sizing criteria, which include asbestos.

16 Q. What is that size in criteria?

17 A. 3 to 1. 3 to 1 ratio .25 micron diameter.

18 Q. All right.

19 A. Less than 5 -- or excuse me, greater than 5 in
20 length.

21 Q. So in using the phase contrast protocol, what the
22 person that's doing the counting is counting anything
23 that fits within that size of protocol, correct?

24 A. Yes, sir. Typically they will take those values
25 and compare them to the then OSHA's PELs are excursion

1 are reduced.

2 Q. Okay. In terms of the type of panel that he was
3 -- that he was belt sanding, do you recall what the
4 panel was?

5 A. Well, he was -- P653.

6 Q. But he described he worked on a -- there were
7 different types of panels, there was honeycomb,
8 composite and strip, right?

9 A. Correct. He lists different types of material,
10 but in his mind they were all the same material. They
11 just came in different forms.

12 Q. Okay. But do you recall him describing the
13 honeycomb as being different from the composite and the
14 strip?

15 A. Yes, he gives actual descriptions of what their
16 differences were. But my understanding is that he
17 essentially called those types of products the same type
18 of product.

19 Q. Okay. Do you know what the honeycomb panel is
20 made out of in this case?

21 A. I don't have a spec sheet for that, sir, no.

22 Q. Do you know what the composite panel was made out
23 of in this case?

24 A. Again, same answer.

25 Q. Do you agree this strip panel, as Mr. LaFrentz

1 testified to, was a smaller -- it was a strip that was
2 cut from a composite panel?

3 A. That's my understanding.

4 Q. And do you recall his testimony that the
5 composite and strip panel had a metal plate or base?

6 A. I believe he did say something to that effect.

7 Q. All right. And would you agree that Mr.
8 LaFrentz's testimony is that there was some -- that each
9 panel was different, he didn't know what was in the
10 panels or what was in the adhesives?

11 A. No, he didn't. He said they were essentially all
12 the same type of material, just in different forms, is
13 what I recall.

14 Q. Do you recall him saying that for some of the
15 panels they had a yellow (inaudible) on them, color?

16 A. He said some of them had -- I believe he said
17 either some or all of it had some sort of a yellow
18 coloring to it.

19 Q. And do you recall his testimony that the panels
20 had different textures on them?

21 A. Yes, he gave those descriptions of different --
22 of the different aspects of those types of panels.

23 Q. Okay. Do you know whether the panels -- the
24 different textures are because some panels had adhesive
25 on them and some did not?